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Confirmation No. 8684

REMARKS

This is in response to the Office action mailed July 29, 2005.

Applicant has amended claims 1, 13, 15, 22, 27, 28 and 30. Support for the amendments is found in the specification as originally filed at page 5, line 21 to page 6, line 8 and in the drawings at Figures 1, 2 and 3. No new matter has been added.

The examiner has rejected claims 30 and 31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Applicant has amended claim 30, from which claim 31 depends, to overcome the §112, second paragraph, rejection. Accordingly, withdrawal of the §112, second paragraph, rejection is respectfully requested.

The examiner has rejected claims 1-31 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,910,738 to Chandler et al. Applicant respectfully traverses the rejection on the grounds that Chandler et al. fail to disclose each and every element of the claimed invention as required under §102(b). Accordingly, withdrawal of the rejection is respectfully requested.

In support of the §102(b) rejection, the examiner states as follows:

Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Chandler et al. '738. Chandler discloses a tool containing all of the claimed elements including, providing a tool (as required by claims 22 and 28) having a rod with a length/a base/means of supporting knurled member (rod/base/means defined by u-shaped member 18 and element 20) as required by claims 1, 13, 22 and 28, a first handle (22) connected with the rod as required by claims 1, 13, 22 and 27-28, a second handle (read onto element 24) connected with

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the rod as required by claims 1, 13, 22 and 27, a knurled member connected with the rod (drum 14) as required by claims 1, 13, 22 and 28. The first handles [sic] being connected about an end of the rod and the second handle being connected intermediate the length of the rod, as required by claims 2 and 15, is shown in figure 1. The knurled member being rotatable, as required by claims 3, 13 and 22, is described in col. 1, lines 50-51. The knurled member comprising a drum having a knurled surface, as required by claim 4, is shown in figure 1 as drum 14 and described in col. 2, lines 38-40. The tool including a first, second and third bends, as required by claims 5 and 29, is shown in figure 1. Regarding claims 6-12, 16-21, 23-26 and 30-31, figure 1 clearly shows a tool having the same structure as disclosed and claimed by the applicants. Handles being integral with the base, as required by claim 14, are shown in figure 1. Contacting the knurled member with a surface of a plate (read onto surface 15), as required by claim 22, is shown in figure 1. Manually rolling the knurled member about the surface of the plate, as required by claims 22 and 28, is described in col. 3, lines 22-24.

Applicant respectfully disagrees with the examiner's basis for supporting the rejection and, in particular, with the examiner's conclusion that weight retaining rod 24 of the Chandler et al. device is the same as the claimed second handle of the present invention. Thus, applicant submits that weight retaining rod 24 is not a handle. As disclosed in Chandler et al., "weight retaining rod 24 is mounted at the junction of the U-shaped member 18 and the handle member 20 in a generally vertical orientation. Disk shaped weights, such as disk 26, having holes in their centers, may be placed over the rod 24 to vary the weight of the device 10." Chandler et al. fail to describe weight retaining rod 24 as a handle and the structure of weight retaining rod 24, as illustrated in Figure 1, makes it unsuitable as a handle, particularly in view of its short length. Thus, weight retaining rod 24 cannot be effectively grasped.

Nevertheless, in order to place the application in a condition for allowance, applicant has amended independent claims 1, 13, 22 and 28 to further distinguish the

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claimed second handle from weight retaining rod 24. In particular, applicant has amended claim 1 to require a second handle that extends toward a knurled member, away from a first handle and beyond the length of a rod to which the handles are attached. The concrete finishing roller disclosed in Chandler et al. does not include such an arrangement, and weight retaining rod 24 does not extend toward a knurled member, away from a first handle and beyond the length of a rod to which it is attached. Claim 13 has been amended to require a second handle that is connected with a base intermediate a length of the base, that includes a bend and that extends toward a rotatable cylinder. The concrete finishing roller disclosed in Chandler et al. does not include such an arrangement, and weight retaining rod 24 does not connect with a base intermediate a length of the base, include a bend and extend toward a rotatable cylinder. Claim 22 has been amended to require a first handle connected with an end of a tool opposite a knurled member and a second handle connected with the tool between the knurled member and a first handle and grasping the first handle with a hand and grasping the second handle with another hand. The concrete finishing roller disclosed in Chandler et al. does not include such an arrangement, and Chandler et al. do not disclose grasping a first handle with a hand and grasping a second handle with another hand. Claim 28 has been amended to require at least one handle that includes a first handle that extends upward at an angle from an intermediate portion of a tool and toward a knurled member. The concrete finishing roller disclosed in Chandler et al. does not include such an arrangement, and weight retaining rod 24 does not extend upward at an angle from an intermediate portion of a tool and toward a knurled member. Thus, Chandler et al. fail to disclose each and every element of the present invention. Accordingly, withdrawal of the §102(b) rejection is respectfully requested.

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Reconsideration and allowance of the claims are respectfully requested

Respectfully submitted,

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Enclosures